

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

JOHN STUART,

Defendant.

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**21-CR-07-LJV-JJM**

**NOTICE OF MOTION**

**MOTION BY:**

Jeffrey T. Bagley, Assistant Federal Public  
Defender

**DATE, TIME & PLACE:**

Before the Honorable Jeremiah J. McCarthy, United  
States Magistrate Court Judge, Robert H. Jackson  
United States Courthouse, 2 Niagara Square,  
Buffalo, New York, **on the papers submitted.**

**SUPPORTING PAPERS:**

Affirmation of Assistant Federal Public Defender  
Jeffrey T. Bagley, dated June 7, 2021.

**RELIEF REQUESTED:**

To adjourn the pretrial motions deadline and  
scheduling order for 45 days.

**DATED:**

Buffalo, New York, June 7, 2021.

Respectfully submitted,

**/s/ Jeffrey T. Bagley**

Jeffrey T. Bagley  
Assistant Federal Public Defender  
Federal Public Defender's Office  
300 Pearl Street, Suite 200  
Buffalo, New York 14202  
(716) 551-3341, (716) 551-3346 (Fax)  
jeffrey\_bagley@fd.org  
*Counsel for Defendant John Stuart*

**TO:** Laura A. Higgins  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
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**AFFIRMATION**

**JEFFREY T. BAGLEY**, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and I represent the defendant, John Stuart, in the instant matter.

2. The instant motion respectfully requests an extension of 45 days for the defendant to file pretrial motions currently due June 10, 2021.

3. The parties are engaged in active plea negotiations, an approved plea has been tendered and is being considered by the defense. This may result in motion practice becoming unnecessary.

4. Further, this case requires discovery examination by a forensic expert. The expert has reviewed the evidence but I have not yet had an opportunity to discuss his review with my client. I will be scheduling a time for this in the coming days.

5. I have discussed this request with Assistant United States Attorney Laura A. Higgins, and Ms. Higgins has no objection to an adjournment.

6. Should the motion be granted, the government and the defendant agree that the speedy trial time between the granting of the adjournment and the new pretrial motions deadline is excludable in the interests of justice.

**WHEREFORE**, it is respectfully requested that the pretrial motions deadline be adjourned for 45 days.

**DATED:** Buffalo, New York, June 7, 2021.

Respectfully submitted,

**/s/ Jeffrey T. Bagley**

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**TO:** Laura A. Higgins  
Assistant United States Attorney